

AP13 Rec'd PCT/PTO 12 FEB 2007



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/562,269 Confirmation No.: 7866  
Applicant : Gary E. GILBERT, Jialan SHI, Christian W. HEEGAARD  
and Jan T. RASMUSSEN  
Filed : December 28, 2005  
Title : METHOD, COMPOSITION AND KIT FOR DETECTING  
PHOSPHATIDYLSERINE (PS) ON CELL MEMBRANES  
Group Art Unit :  
Examiner :  
Atty. Docket No. : US 1451/05  
Date : February 12, 2007

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35**  
**U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**  
**(DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Responsive to the Notification of Missing Requirements Under 35 U.S.C. 371 in  
the United States Designated/Elected Office (DO/EO/US) dated January 25, 2007,  
attached hereto are the following:

1. Copy of Notification of Missing Requirements Under 35 U.S.C.  
371 in the United States Designated/Elected Office (DO/EO/US)  
(2 pages);

Appl. No.: 10/562,269

Response to Notification of Missing Requirements Under 35 U.S.C. 371  
in the United States Designated/Elected Office dated February 12, 2007  
Reply to Notification of Missing Requirements Under 35 U.S.C. 371  
in the United States Designated/Elected Office of January 25, 2007

2. Declaration and Power of Attorney (executed by joint inventors Christian W. Heegaard and Jan T. Rasmussen. A Declaration and Power of Attorney executed by the remaining joint inventors Gary E. Gilbert and Jialan Shi was already submitted with the application on December 28, 2005.) (4 pages); and
3. A check for \$880.00 to cover the surcharge fee of \$130.00, application size fee of \$250.00, search fee of \$100, examination fee of \$200, and additional claim fee of \$200.00.

It is believed that no additional fee is due for this submission. Should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

02/13/2007 MKAYPAGH 00000153 10562269

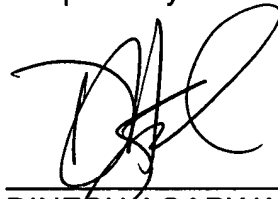
01 FC:2632	250.00 OP
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03 FC:2615	200.00 OP
04 FC:2614	200.00 OP
05 FC:1617	130.00 OP

Appl. No.: 10/562,269

Response to Notification of Missing Requirements Under 35 U.S.C. 371  
in the United States Designated/Elected Office dated February 12, 2007  
Reply to Notification of Missing Requirements Under 35 U.S.C. 371  
in the United States Designated/Elected Office of January 25, 2007

Should an official of the Patent Office have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Agarwal', written over a horizontal line.

DINESH AGARWAL  
Attorney for Applicant(s)  
Reg. No. 31,809

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,269	Gary E. Gilbert	US 1451/05 (BWH)

INTERNATIONAL APPLICATION NO.
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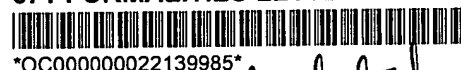
PCT/US04/17431

I.A. FILING DATE	PRIORITY DATE
06/30/2004	06/30/2003

Dinesh Agarwal  
 Law Offices Dinesh Agarwal  
 Suite 330  
 5350 Shawnee Road  
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CONFIRMATION NO. 7866

371 FORMALITIES LETTER



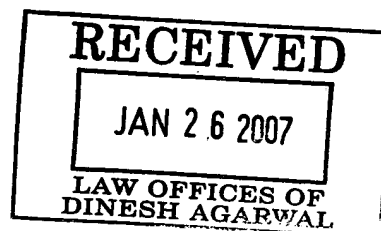
\*OC000000022139985\*

Date Mailed: 01/25/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/28/2005
- Copy of the International Search Report filed on 12/28/2005
- Oath or Declaration filed on 12/28/2005
- Request for Immediate Examination filed on 12/28/2005
- U.S. Basic National Fees filed on 12/28/2005
- Assignment filed on 12/28/2005
- Specification filed on 12/28/2005
- Claims filed on 12/28/2005
- Abstracts filed on 12/28/2005
- Drawings filed on 12/28/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$200** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$880** for a Large Entity:

- **\$130 Surcharge.**
  - The specification and drawings contain more than 100 pages. Applicant owes **\$250** for 6 pages in excess of **100** pages for a non-small entity.
  - The application search fee has not been paid. Applicant must submit **\$100** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
  - The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 200**
  - **\$200** for 6 independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,269	PCT/US04/17431	US 1451/05 (BWH)